

## **REMARKS**

In response to the Office Action mailed November 16, 2007, Applicant respectfully requests reconsideration. Claims 5-9 and 14-18 were previously pending in this application. By this amendment, claims 5 and 14 have been amended. Claims 6-8 and 15-18 have been canceled. As a result, independent claims 5 and 14 are pending for examination. No new matter has been added.

### **Objections to the Claim**

The Office Action objected to claims 5 and 14 as containing informalities. Applicant has amended claims 5 and 14 to address the Examiner's concerns.

Accordingly, withdrawal of this objection is respectfully requested.

### **Rejections under 35 USC § 101**

The Office Action rejected claims 14-18 under 35 U.S.C. 101 as allegedly directed to non-statutory subject matter. Applicant has amended claim 14 to address the Examiner's concerns. Claims 15-18 have been canceled.

Accordingly, withdrawal of this rejection is respectfully requested.

### **Rejections under 35 U.S.C. §112**

The Office Action rejected claims 5-9 and 14-18 under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant has amended independent claims 5 and 14 to address the Examiner's concerns.

Accordingly, withdrawal of this rejection is respectfully requested.

### **Rejections Under 35 U.S.C. §102.**

The Office Action rejected claims 5 and 14 under 35 U.S.C. 102(e) as being anticipated by Abassi et al., U.S. Patent No. 6,925,502 ("Abassi"). The Office Action also rejected claims 5-7, 14-16 under 35 U.S.C. 102(e) as being anticipated by Liu et al., U.S. Patent No. 7,131,008

(“Liu”). Applicant respectfully traverses the rejection. In addition, Applicant has amended claims 5 and 14 to more clearly distinguish over the cited references. Claims 6-8 and 15-18 have been canceled.

Claim 5, as amended, recites:

A method to negotiate an option for a window scaling factor in a computer environment comprising the steps of:

predicting if the option will be needed;

if the option is predicted to be needed, predicting if the option will need a value outside of *a normal range of values comprising values of 1-16 bytes of the window scaling factor*, wherein values outside of the normal range of values include a largest value and a major value, with the major value being a value that is greater than values that a majority of applications use:

if the option is predicted to need the value outside of the normal range of values:

determining an outside setting of the window scaling factor that is outside of the normal range of values to provide the option with the outside setting;

*if the outside setting of the window scaling factor comprises a value greater than or equal to one of the largest value and the major value, providing the option with the value greater than or equal to one of the largest value and the major value, wherein the value comprises a value of 256 of the window scaling factor*; and

if the option is not predicted to need the value outside of the normal range of values:

setting a value needed by the option to a normal setting within the normal range of values; and

if the option is predicted not to be needed, setting the window scaling factor to a default value.

(Emphasis added).

Abassi does not teach or suggest “a normal range of values comprising values of 1-16 bytes of the window scaling factor,” as recited in claim 5. Further, Abassi does not teach or suggest “if the outside setting of the window scaling factor comprises a value greater than or equal to one of the largest value and the major value, providing the option with the value greater than or equal to one of the largest value and the major value, wherein the value comprises a value of 256 of the window scaling factor,” as recited in claim 5.

In view of the foregoing, claim 5 patentably distinguishes over Abassi.

Accordingly, withdrawal of the rejection of claim 5 is respectfully requested.

Like Abassi, Liu does not teach or suggest “a normal range of values comprising values of 1-16 bytes of the window scaling factor,” as recited in claim 5. Further, Liu does not teach or suggest “if the outside setting of the window scaling factor comprises a value greater than or equal to one of the largest value and the major value, providing the option with the value greater than or equal to one of the largest value and the major value, wherein the value comprises a value of 256 of the window scaling factor,” as recited in claim 5.

In view of the foregoing, claim 5 patentably distinguishes over Liu.

Accordingly, withdrawal of the rejection of claim 5 is respectfully requested.

Claim 14, as amended, recites:

A computer readable storage medium encoded with computer executable instructions for negotiating an option for a window scaling factor in a computer environment, the computer executable instructions performing the steps comprising:

predicting if the option will be needed;

if the option is predicted to be needed, predicting if the option will need a value outside of *a normal range of values comprising values of 1-16 bytes of the window scaling factor*, wherein values outside of the normal range of values include a largest value and a major value, with the major value being a value that is greater than values that a majority of applications use:

if the option is predicted to need the value outside of the normal range of values:

determining an outside setting of the window scaling factor that is outside of the normal range of values to provide the option with the outside setting;

*if the outside setting of the window scaling factor comprises a value greater than or equal to one of the largest value and the major value, providing the option with the value greater than or equal to one of the largest value and the major value, wherein the value comprises a value of 256 of the window scaling factor; and*

if the option is not predicted to need the value outside of the normal range of values:

setting a value needed by the option to a normal setting within the normal range of values; and

if the option is predicted not to be needed, setting the window scaling factor to a default value.

(Emphasis added).

Abassi does not teach or suggest “a normal range of values comprising values of 1-16 bytes of the window scaling factor,” as recited in claim 14. Further, Abassi does not teach or

suggest “if the outside setting of the window scaling factor comprises a value greater than or equal to one of the largest value and the major value, providing the option with the value greater than or equal to one of the largest value and the major value, wherein the value comprises a value of 256 of the window scaling factor,” as recited in claim 14.

In view of the foregoing, claim 14 patentably distinguishes over Abassi.

Accordingly, withdrawal of the rejection of claim 14 is respectfully requested.

Like Abassi, Liu does not teach or suggest “a normal range of values comprising values of 1-16 bytes of the window scaling factor,” as recited in claim 14. Further, Liu does not teach or suggest “if the outside setting of the window scaling factor comprises a value greater than or equal to one of the largest value and the major value, providing the option with the value greater than or equal to one of the largest value and the major value, wherein the value comprises a value of 256 of the window scaling factor,” as recited in claim 14.

In view of the foregoing, claim 14 patentably distinguishes over Liu.

Accordingly, withdrawal of the rejection of claim 14 is respectfully requested.

**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: February 19, 2008.

Respectfully submitted,

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